

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO. 8713 OF 2021

ORDER :

Heard learned counsel for the petitioner/A.2 and learned Assistant Public Prosecutor.

2. This petition is filed under Section 438 Cr.P.C. seeking anticipatory bail to petitioner/A.2 in the event of his arrest in connection with Crime No.381 of 2021 of Nalgonda-II (T) Police Station, Nalgonda District, registered for the offences punishable under Section 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

3. It is the case of the prosecution that on credible information received that A.1 moving along with ganja by illegal possession near Bhatukammakunta Near Panagal Bypass Road, Nalgonda Town and arrested A1 and that on enquiry, A.1 confessed that he purchased 5kgs of ganja from A.2 and sold 3kg to consumers and remaining 2kgs he has to sold.

4. Learned counsel for the petitioner submitted that no contraband was recovered from the petitioner and he was implicated on confession of A.1. It is also submitted that confession before the police officer authorized to investigate NDPS cases is not admissible in evidence and that the petitioner has nothing to do with A.1, who is resident of Nalgonda and that the petitioner has not involved in any case of this nature. It is also submitted that the petitioner is accused in S.C.No.70 of 2019 on the file of Special Sessions Judge for trial of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act-cum-Additional Sessions Judge, Nalgonda. Hence, requested the Court to grant pre-arrest bail to the petitioner.

5. On the other hand learned Assistant Public Prosecutor opposed the bail application on the ground that Accused No.1 found in possession of contraband and he confessed that he purchased it from Accused No.2.

6. As the offence is under the NDPS Act, this Court is not inclined to grant pre-arrest bail to petitioner.

7. Accordingly, the criminal petition is dismissed.

8. Miscellaneous petitions, if any, shall stand dismissed.

LALITHA KANNEGANTI, J

Dated : 01.12.2021
ksld/kvrm